IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOS : 30265 of 1998 AND 2836 OF 1999

Between:

M/s. Umeri Distillery (P) Limited., Jeypore, Koraput District, Orissa, represented by its Area Sales Manager, N.S.R.Bapuji.

..... PETITIONER

AND

1. The Commissioner of Prohibition & Excise, A.P. Hyderabad.
2. The Prohibition & Excise Superintendent, Visakhapatnam, Visakhapatnam District.
3. The Sub-Divisional Prohibition & Excise Officer, Chodavaram, Visakhapatnam District.
4. M/s. The Chodavaram Co-Operative Sugars Ltd., Govada, Visakhapatnam.

(R4 dismissed for default vide Court Order dated 4-4-2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the demand of Administrative Charges at the rate of Rs.25/-per M.Ts of Molassess purchased and transported from Andhra Pradesh to Orissa and insisting on taking an escort with each tanker lorry transport Molasses by the petitioner are illegal and without jurisdiction apart from being violative of Article 19(1)(g) of the Constitution of India.

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for the Respondents 1 to 3: GP FOR PROHIBITION & EXCISE

WRIT PETITION NO : 2836 of 1999

Between:

M/s.Umeri Distillery (P) Limited Jeypore,Koraput District,Orrissa
Rep.by its Area Sales Manager N.S.R.Bapuji.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise A.P
Hyderabad.
2 The Prohibition & Excise Superintendent
Visakhapatnam Dist.
3 The Sun-Divisinal Prohibition & Excise Officer
Chodavaram Visakhapatnam Dist.
4 M/s.Vijayaram Gajapathi Co-operative Sugars Ltd.,
Chimasingi Vizianagaram Dist.

(R4 dismissed for default vide Court Order dated 4-4-2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction more particularly one in the nature of Writ of Mandamus declaring that the demand of Administrative charges at the rate of Rs.25 Per Mts. of Molasses purchased and transported from A.P. to Orissa and insisting on taking an escort each tanker lorry transport Molasses by the petitioner are illegal and without jurisdiction apart from being violative of Art.19(1)(g) of Constitution of India.

Counsel for the Petitioner:MR.V.RAVINDER RAO

Counsel for the Respondent Nos 1 to 3.: GP FOR PROHIBITION & EXCISE

The Court made the following :

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COMMON ORDER:

It is represented in both the writ petitions that having regard to the interim order dated 02-11-1998 already passed, no further orders are necessary.

Accordingly, both the writ petitions are dismissed. No costs.

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03-11-2004

To

1. The Commissioner of Prohibition & Excise, A.P. Hyderabad.

5. The Prohibition & Excise Superintendent, Visakhapatnam, Visakhapatnam District.

6. The Sub-Divisional Prohibition & Excise Officer, Chodavaram, Visakhapatnam District.

7. Two Copies to the Government Pleader for Prohibition & Excise, High Court Building, Hyderabad. (OUT).

8. Two C.D. copies.

sj